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Docket No. 005217.P049
Stoel Rives Ref. 50588/390
Digeo Ref. 39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Anthony F. Istvan et al.

Confirmation No. 8903

Application No. 09/877,696

Filed: June 8, 2001

For: **SYSTEMS AND METHODS FOR
ACCESSING INTERACTIVE
CONTENT VIA SYNTHETIC
CHANNELS**

Group Art Unit: 2611

Examiner: Andrew Y. Koenig

Date: July 25, 2006

DECLARATION OF DENNIS M. DE GUZMAN UNDER 37 CFR § 1.131

I, Dennis M. de Guzman, hereby declare that:

1. At all times relevant to this Declaration, I was an associate at the law firm of Blakely Sokoloff Taylor & Zafman ("BSTZ").
2. I supervised Lance Termes, another associate at BSTZ, in preparing the above-identified application ("Application").
3. I was the attorney at BSTZ ultimately responsible for seeing that the Application was filed.

4. During the critical period of April 20, 2001 to June 8, 2001, Mr. Termes and I diligently prepared the Application, as evidenced by the billing records attached hereto as Exhibit A.

5. A timeline summarizing the billing records is as follows:

Date	Activity
Thursday, April 12, 2001	Mr. Termes conducts invention disclosure interview with Anthony Istvan, one of the inventors
Friday, April 20, 2001	Date of Zustak reference
Monday, April 23, 2001	Mr. Termes works on application
Tuesday, April 24, 2001	Mr. Termes continues to prepare application
Wednesday, April 25, 2001	Mr. Termes continues to prepare application
Monday, April 30, 2001	Mr. Termes continues to prepare application
Tuesday, May 1, 2001	Mr. Termes continues to prepare application
Wednesday, May 2, 2001	Mr. Termes continues to prepare application
May 2, 2001 - May 6, 2001	Mr. Termes provides draft of application to me for review.
Sunday, May 6, 2001	I review draft of application
Tuesday, May 8, 2001	Mr. Termes continues work on application; Mr. Termes sends draft to Digeo in-house counsel
Friday, May 11, 2001	Mr. Termes communicates with draftsperson regarding preparation of formal drawings
Monday, May 14, 2001	Draftsman prepares drawings
May 14 - May 31, 2001	In-house counsel for Digeo reviews application and provides application to inventors for review
Friday, June 1, 2001	Mr. Termes receives feedback from in-house counsel; Mr. Termes revises application and coordinates with draftsperson re preparation of additional formal figures
Monday, June 4, 2001	Mr. Termes receives feedback from Robert Novak, one of the inventors; Mr. Termes revises application based on those comments
Thursday, June 7, 2001	Mr. Termes receives email from in-house counsel regarding additional changes to application; Mr. Termes revises the application accordingly
Friday, June 8, 2001	Date of constructive reduction to practice

6. With regard to the short periods of time for which no billing records exist (i.e., April 26-27, May 3-4, May 14-31, June 5-6), these "gaps" were attributable to (1)

previously-assigned work from other clients, (2) preparation of formal drawings, and (3) inventor and in-house counsel review, including multiple drafts.

7. With regard to the work for other clients, Lance Termes and I had a quarterly allotment of applications from Intel Corporation ("Intel") that needed to be filed before the end of the quarter (*i.e.*, by end of June 2001).

8. In the quarter in question (*i.e.*, April 2001 – June 2001), we would likely have been assigned six Intel cases between the two of us, which we would have needed to complete and file by the end of June 2001. Moreover to the best of my recollection, we would most likely have been working on other (non-Intel, non-Digeo) cases as well that needed to be prepared and/or filed in that time frame. Still further to the best of my recollection, we would also have been working on other Digeo cases that needed to be filed by the end of June 2001.

9. While I do not have my non-Digeo time records for that time period, I believe that Lance Termes and I were working on at least Intel applications that were assigned prior to the above-identified application.

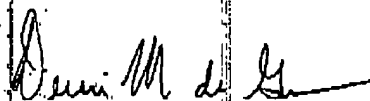
10. For example, I believe that the April 26-27 and May 3-4 dates were consumed with preparing drafts of the Intel applications in order to have them filed by the end of the quarter, and/or were consumed with preparing draft applications for non-Intel and non-Digeo applications and/or for other Digeo applications.

11. I was forced to perform my supervisory review of the Application on a weekend due to the large amount of other work that I had at the time.

12. With regard to the May 14-31 timeframe, Lance and I were waiting for feedback from the inventors, as well as Digeo's in-house counsel. Waiting for a few weeks for comments is not unusual for the clients I have represented. Indeed, given the

number of cases Digeo was filing at the time, I believe that a two-week review period was entirely reasonable.

13. I declare that those statements made of my own knowledge are true, and that all statements made on information or belief are believed to be true. This declaration is being made knowing that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.



Dennis M. de Guzman

Date: 7/25/06

EXHIBIT A

Firm: Blakely Sokoloff Taylor Zisman
 Report: ap003ibela.2
 From: 01/01/00 thru 06/30/06
 Selected matter: 009217.P049

Group Entry	Category	Date	Description of service, disbursements
18910.66	DE GUZMAN	02/20/01	Prepare application
19282.18	TERMES	03/19/01	Review invention disclosure
19282.30	TERMES	03/27/01	Prepare for meeting with Mr. Istvan re: invention disclosure; prepare patent application
19512.25	TERMES	04/09/01	Prepare patent application
19512.30	TERMES	04/10/01	Prepare patent application
19512.39	TERMES	04/12/01	Prepare for and attend meeting with Mr. Istvan regarding patent application disclosure; Prepare patent application
19512.63	TERMES	04/23/01	Prepare patent application
19512.65	TERMES	04/24/01	Prepare patent application
17070.162	Misc Expen	04/24/01	Cost of obtaining copies of patent
19312.67	TERMES	04/25/01	Prepare patent application
19512.72	TERMES	04/30/01	Prepare patent application
19887.1	TERMES	05/01/01	Prepare patent application
19887.6	TERMES	05/02/01	Prepare patent application
19763.19	DE GUZMAN	05/06/01	Review and revise draft prepared by Mr. Termes
19887.18	TERMES	05/08/01	Prepare patent application; Email Mr. Okamoto regarding draft patent application and figures for review.
19887.45	TERMES	05/11/01	Teleconference with, and email to draftsperson regarding preparation of formal patent figures
10153.1	TERMES	06/01/01	Review email from Mr. Okamoto regarding draft patent application; Revise utility patent application and figures; Email Mr. Okamoto regarding revised draft patent application; Email draftsperson regarding preparation of additional formal figures.
10153.5	TERMES	06/04/01	Review email from Mr. Okamoto regarding revisions to patent application from Mr. Novak; Revise patent application; email Mr. Okamoto regarding revised draft of patent application
10153.16	TERMES	06/07/01	Review email from Mr. Okamoto regarding finalization of application; Revise patent application
49974.38	Draftman	06/07/01	Cost of formal patent drawings, 2 sheets

Selected matter: 005217.P049 T1

From: Blakely Sokoloff Taylor & Zeman
 Port: ep001bela.R
 From: 01/01/00 thru 06/30/06

Group Entry (Category) Date	Description of service, disbursements
28JUN01	Voucher: 144126 Vendor: Calli Tech Graphic Design
06/08/01	Revise patent application, prepare filing documents;
06/27/01	Correspondence with USPTO regarding filing utility patent application; unsigned declaration, and non-publication request; email Mr. Okamoto regarding electronic copy of filed patent application; correspondence with Ms. Gladden regarding filed patent application and filing documents.
06/13/01	Email Mr. Okamoto regarding formal patent figures
06/27/01	Preparation of Information Disclosure Statement
06/29/01	Correspondence with U.S. Patent and Trademark Office regarding filing of Information Disclosure Statement, response to Missing Parts, and Assignment

1746:20 PTFee-08/30/01 U.S. Patent and Trademark Office Assignment Recordation Filing Fee

0746:21 PTFee-08/30/01 U.S. Patent and Trademark Office patent application filing fee and extra claims and Missing Parts filing fee

1918:46 DE GUERMAN 11/20/01 File request to rescind nonpublication request